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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,838	12/05/2001	Johnny R. Brezina	AUS920010735US1	2526
7590	02/25/2004		EXAMINER WONG, ERIC K	
Frank C. Nicholas CARDINAL LAW GROUP Suite 2000 1603 Orrington Avenue Evanston, IL 60201			ART UNIT 2874	PAPER NUMBER
DATE MAILED: 02/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/006,838	BREZINA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric Wong	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/5/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1201</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The serial numbers and filing dates of the referenced co-pending applications must be furnished. In addition, the “priority” mentioned in paragraph 1 must be clarified as to whether it is a continuation of a prior application. Appropriate correction is required.

### ***Double Patenting***

2. Claims 14-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-23 of U.S. Patent No. 6,659,656. Although the conflicting claims are not identical, they are not patentably distinct from each other because 6,659,656 discloses:

A packaging architecture system for a transceiver comprising:

- A heat sink, the heat sink having a first surface and a second surface, the first surface being oriented about 90 degrees from the second surface;
- A forward vertical carrier being attached to the first surface of the heat sink;
- A heat spreader, the heat spreader having a first and second side, the second side of the heat spreader being attached to the second surface of the heat sink;
- A rearward horizontal I/O block, the rearward horizontal I/O block being attached to the first side of the heat spreader; and
- A flexible cable operably connected between the forward vertical carrier and the heat spreader, the flexible cable having an electrical portion and at least two tabs,

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the electrical portion attached to the first side of the heat spreader and the tabs attached to the second side of the heat spreader.

Although the current application makes no mention of a "heat spreader", it would have been obvious to one skilled in the art at the time the invention was made to use a heat spreader as a stiffener block since the examiner takes Official Notice of the equivalence of a heat spreader and a stiffener block for their use in supporting a flexible circuit or substrate in the optical transceiver art and the selection of any of these known equivalents to support said circuit or substrate would be within the level of ordinary skill in the art.

As to claims 15-20, claims 18-23 of United States Patent Number 6,659,656 recites these claims in verbatim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Number 6,492,698 to Kim et al.

As to claims 1-3, 6-9, and 12-17, Kim et al. discloses in figure 2, a forward vertical carrier having an optical converter such as a laser or photodetector, a stiffener block (230) positioned 90 degrees from the first carrier, a flexible cable electrically connecting the optical converter of the forward vertical carrier to a solder ball array (Column 6, lines 26-29).

As to claims 4-5, 10-11 and 19, Kim et al. teaches the use of temperature sensitive adhesives (Column 5, lines 45-46 and Column 7, lines 4-5).

As to claims 18 and 20, Kim et al. teaches a laser drive unit, passive components and EEPROMs (Column 6, lines 33-43).

#### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 12/5/01 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

6. New corrected drawings are required in this application because figures and labels are handwritten. In addition, drawings are in dark black and as a result lines and definitions are not very clear. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Conclusion***

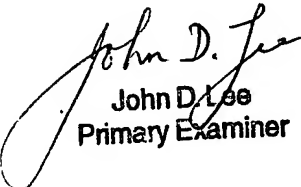
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

EW

  
John D. Lee  
Primary Examiner